

REMARKS

1. Specification Objected to on the Basis of Informalities:

The Examiner objected to the abstract of the disclosure because it contained more than 150 words. The abstract of the disclosure has been amended to be 149 words in length.

2. Double Patenting Rejection:

Claims 1-18 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,320,956. The instant application is a Continuation-In-Part of U.S. Patent No. 6,320,956. Applicant encloses with this response a terminal disclaimer with respect to U.S. Patent No. 6,320,956 in compliance with 37 C.F.R. 1.321(c).

As can be noted from the assignment records for the USPTO, an assignment of the entire interest over U.S. Patent No. 6,320,956 has been recorded at reel 010131, frame 0704, in favor of Willow CSN, Inc. Willow CSN is the owner of the entire interest in the present application as evidenced by the above-mentioned assignment (which includes all continuation applications) and an assignment of the present invention by co-inventor, Roland Falcon, recorded at reel 012835, frame 0588. Accordingly, common ownership of U.S. Patent No. 6,320,956 and the instant application has been shown.

Applicant respectfully suggests that the double patenting rejection has been overcome.

3. Claims Rejected Under 35 U.S.C. §102(e):

The Examiner has rejected claims 1-18 under 35 U.S.C. § 102(e) as anticipated by *Miloslavsky*. However, this rejection is improper because *Miloslavsky* does not teach most of the elements of the present invention.

Specifically, the system described by *Miloslavsky* is fundamentally different from that disclosed in the present application in that the system of *Miloslavsky* does not structurally permit an agent to be connected to multiple call centers as the agents described in *Miloslavsky* are

“local” and physically connected to a single call center. *Miloslavsky* does not teach the use of “remotely located agents” as claimed in the instant application nor does it disclose any element which could be considered analogous to the “remotely located agents” of the present invention. *Miloslavsky* does not teach the providing of payroll services for a contact server on behalf of remotely located agents. *Miloslavsky* does not teach the establishment of simultaneous communication between remote agents, contact centers and the network coordinator. *Miloslavsky* does not teach the monitoring by contact centers or the network coordinator of communications between customers and remotely located agents. Finally, *Miloslavsky* does not teach the providing of assistance by a contact center to a remotely located agent during the handling of a call.

A. The system described by *Miloslavsky* is fundamentally different from that disclosed in the present application

The system described in *Miloslavsky* merely coordinates and synchronizes the transfer of calls between call centers based on the availability, or lack thereof, of particular agents at said call centers. According to the *Miloslavsky* invention, a first call center that receives a call which cannot be handled by one of its connected agents simply consults a global routing center which in turn locates an available agent at a different call center and the call is re-routed to the second call center. Once a call is re-routed, the first call center is no longer involved in handling the call. Moreover, once a call is re-routed, neither the global routing center which coordinates the re-routing of calls, nor the first call center which originally received the call, have the ability to communicate directly with the agent that is handling the call should assistance be required.

In contrast, in the system of the present invention an agent is not physically tied to a single call center. Instead, the truly “remote” agents, which can physically be anywhere as long as they have the proper communications equipment, are connected to both a network coordinator and a plurality of contact centers. When a call is received by a contact center, the network coordinator locates a qualified, available, remote agent and routes the call to the located agent. The original contact center is not replaced by a different contact center but remains as part of the call and is available to assist the agent should assistance be needed. Similarly, the network coordinator also can remain connected to the remotely located agent should any assistance be needed or should the call need to be transferred to a different agent.

Because of the fundamental structural differences outlined above, the system of the present invention enjoys many advantages over the system described in *Miloslavsky*. For one thing, a contact center in the present invention has many more potential agents available to it to handle calls since the agents do not need to be physically connected, or even in the same building, city or country as the contact center. Moreover, a first contact center in the present invention does not have to transfer or “hand off” a call to a second contact center in order to utilize an agent that is linked to the second contact center since the agent can be contacted directly. This is a tremendous advantage because it allows a contact center for a particular business line, for example a clothing retailer, to have as many remote agents available as are willing to be trained in that business line without having to create, manage, train or maintain another contact center to handle the additional agents.

B. *Miloslavsky* does not teach the use of “remotely located agents”

Independent claims 1, 9, 17 and 18, and every dependant thereof, clearly claim one or more “remotely located agents” as an element of the present invention. The “remotely located agent” described in the present application is not analogous to any entity described in *Miloslavsky*.

The Examiner, in pages 4 and 5 of the office action, states that *Miloslavsky*, at Figures 13 and 15A-15B and col. 25, ln. 35 through col. 26, ln. 16, teaches:

a method of distributing a customer-initiated call placed with a contact center ... to one or more remotely located agents trained to service calls for one or more contact centers ..., comprising the steps of:

identifying at least one remotely located agent trained to receive said customer-initiated call for said contact center ...and

directing said customer-initiated call to said identified remotely located agent.

It is apparent that the Examiner is equating the generic “agents” described in *Miloslavsky* with the “remotely located agent” of the present invention. However, the agents described in *Miloslavsky* are not truly remote since they always handle calls through call center in which they are physically located. In effect, the system described in *Miloslavsky* negotiates communications between different call centers, each with their own set of “captive” local agents. This is evident

from the language used in the *Miloslavsky* specification as exemplified by the following excerpts:

Col 22, Ln. 21-23: FIG. 13 is a schematic diagram showing a global call center architecture 3160 in accordance with the present invention. This architecture allows routing of calls received by one call center to an agent located in a geographically separated call center.

Col. 27, Ln. 27-33: A number of **agent stations (such as stations 4138a and 4138b) are located in call center 4130.** Each agent station typically contains a telephone (such as 4142a and 4142b) and a computer (such as computer 4144a and 4144b). The telephones are connected to ACD 4134 and the computers are connected to a data bus 4154.

The agents of the present invention are truly remotely located as they can be in virtually any geographic location where they have access to a data communications network such as the Internet. Thus, the agents of the present invention are always remotely located with respect to the contact center that handles the call. Having the ability to directly access remotely located agents gives the present invention significant advantages over *Miloslavsky*. The most obvious of these advantages being that the routing of calls is more streamlined and less complex.

As an illustration, the typically re-routed call in the *Miloslavsky* system would travel the following path:

Call Center A → Global Routing Center → Call Center B → Local Agent

Under the present invention, the typical call would travel the following path which is obviously more streamlined as it eliminates at least one step:

Contact Center → Network Coordinator → Remote Agent

The more streamlined flow allows calls to be routed faster, more directly and with less chance of having a call dropped due to equipment malfunctions.

C. Miloslavsky does not teach the providing of payroll services for a contact server on behalf of remotely located agents.

Claims 3, 11, 17 and 18 expressly state that the method and system of the present invention include the provision of payroll services for a contact center on behalf of a remotely located agent.

The Examiner, in page 5 of the office action, states that *Miloslavsky*, at Figures 13 and 15A-15B and col. 31, lns. 31-51 teaches:

Further steps by said coordination center of tracking, the number of calls received by said remotely located agent of said contact center and providing payroll services for said contact center on behalf of said remotely located agent.

However, a thorough examination of the *Miloslavsky* specification and claims has failed to identify a single mention of payroll services or any payroll-related functions performed by the system therein described.

D. Miloslavsky does not teach the establishment of simultaneous communication between remote agents, contact centers and the network coordinator

Claims 5, 6, 13, 14, 17 and 18 expressly state that the method and system of the present invention include the establishment of simultaneous communication between remote agents, contact centers and the network coordinator.

The Examiner, in page 5 of the office action, states that *Miloslavsky*, at Figures 13 and 15A-15B and col. 26, lns. 1-49 teaches:

further steps of establishing simultaneous communications between said coordination center, said remotely located agent and said contact center.

A review of the *Miloslavsky* language cited by the examiner reveals that no simultaneous communications are provided at all. The global routing server of the *Miloslavsky* system does not simultaneously communicate with the two call centers involved in the routing of the call. It merely receives a request from a first call center and re-routes a call from said first call center to a second call center. At best, there is sequential communication from the first call center to the global routing server and then to the second call center.

There is no communication at all between call centers nor is there any sort of communication between the first call center and the local agent at the second call center. In fact, in *Miloslavsky* there isn't even any discussion of communications between a call center and a local agent, only the routing of calls is discussed. In essence, once a call has been routed in the *Miloslavsky* system, the only parties communicating are the local agent and the customer who initiated the call.

More fundamentally, the term "communications" as used in the present invention clearly refers to the interactive exchange of information between the network coordinator, a live person at the contact center, and the remotely located agent. The so-called "communications" discussed in the language from *Miloslavsky* cited by the Examiner is nothing more than the automated exchange of data necessary to drive switching equipment at the global routing server and the call center. This is clearly different and cannot be said to be analogous to the communications of the present invention.

Claims 6, 14, 17 and 18 expressly state that the above-discussed communications can be established through a communication method selected from among the class of communication methods consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone.

The Examiner, in page 5 of the office action, states that *Miloslavsky*, at col. 36, ln. 54 through col 37, ln 43 teaches:

the simultaneous communication is established through a communication method selected from among the class of communication method consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone

The language cited teaches no such thing. The language cited merely describes another embodiment of the *Miloslavsky* system which re-routes e-mails instead of voice calls. This embodiment does not, in any way, discuss the communication between a contact center, a network coordinator and a remote agent, or any analogous elements. Moreover, this embodiment is strictly limited to e-mail communications and does not apply to the several other communication methods included in the relevant claims.

- E. *Miloslavsky* does not teach the monitoring by contact centers or the network coordinator of communications between customers and remotely located agents or the rendering of assistance by a contact center to a remotely located agent during the handling of a call

Claims 7, 8, 15, 16, 17 and 18 expressly state that the method and system of the present invention include the ability by the coordination center of monitoring the communications taking place in the customer-initiated call (i.e., the communication between the remotely located agent and the customer) and providing access to said content to the contact center that initially received the call.

Claims 8, 16, 17 and 18 further expressly state that the method and system of the present invention include the ability by the contact center to render assistance during a call to a remotely located agent via a communication method selected from among the class of communication methods consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone.

With respect to the monitoring of communication claims, the Examiner, in page 5 of the office action, states that *Miloslavsky*, at Figures 13 and 15A-15B and col. 25, ln. 35 through col. 26, ln. 49 teaches:

further steps by said coordination center of monitoring the content of communications taking place in said-customer initiated call and providing access to said content to said contact center

There is nothing in the language cited by the Examiner which could be remotely considered to describe any type of monitoring in progress of a customer initiated call. In fact, it is unclear who, if anybody, would monitor a call in the system described in *Miloslavsky* since there appear to be no live persons involved in the handling of calls other than the local agent.

With respect to the rendering of assistance claims, the Examiner, in page 5 of the office action, states that *Miloslavsky*, at col. 36, ln. 54 through col 37, ln 43 teaches:

further steps by said contact center of rendering assistance to said remotely located agent through a communication method selected from among the class of communication method consisting of: electronic mail, electronic chat, electronic video conferencing, electronic paging, instant messaging, voice messaging, short messaging service, and telephone

As previously stated, the language cited teaches no such thing and merely describes another embodiment of the *Miloslavsky* system which re-routes e-mails instead of voice calls. This embodiment does not, in any way, discuss the rendering of assistance by anybody to a remotely located agent, or any agent for that matter. Moreover, this embodiment is strictly limited to e-mail communications and does not apply to the several other communication methods included in the relevant claims.

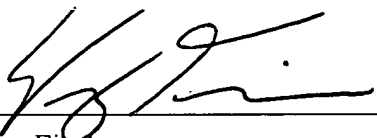
Accordingly, it has been shown that *Miloslavsky* cannot be said to anticipate the present invention under 35 U.S.C. § 102(e) because *Miloslavsky* does not teach most of the claimed elements of the present invention. It is therefore respectfully submitted that the rejection under 35 U.S.C. § 102(e) has been overcome by Applicants.

CONCLUSION

Applicants submit that this Amendment and Response, if entered, places all claims in a condition for allowance and respectfully request that such action be taken by the Examiner at this time.

Should a telephone conference be necessary to assist the Examiner's evaluation of this application, a telephone call to the undersigned at (305) 448-7089 is respectfully solicited.

Dated: October 4, 2004

By: 
Ury Fischer
USPTO Reg. No. 46,167

LOTT & FRIEDLAND, P.A.
Post Office Drawer 141098
Coral Gables, Florida 33114-1098

Docket No.: 23015-1-0050